Workmen's Compensation Bill.

Mr. K. T. Mathew.— Sir I beg to move to introduce the Cochin Workmen's Compensation Bill and in doing so as I said just before it is not necessary to make a long speech because this Bill also is more or less a copy of an enactment in India. Recent occurrences have compelled some of us to think about introducing such a Bill. At a meeting of the Labourers held on the other day a resolution was passed requesting the Members of the Legislative Council and the Government to Introduce a Bill of this nature and I therefore prepared this Bill. Although this is a copy of an enactment elsewhere, very recenty some amendments have been passed or are being considered by the Legislative Assembly to make this enactment more useful. These amendments are not incorporated in this Bill and unless the Bill be sent to a Select Committee it may not be possible for us to consider those amendments and bring it into line with the Act now in force in British India. I request the House to appoint a Select Committee to consider this Bill.

Mr. P. Kumaran Ezhuthassan.—I second it.

Motion put and carried.

Secretary to the Legislative Council.—The title of the Bill is 'The Cochin Workmen's Compensation Bill'.

Mr. K. T. Mathew.—I move that the Bill may be referred to a Select Committee consisting of Messrs. K. Ayyappan, E. Ikkanda Warriar, Paul Mampilli, K. P. Vallon, T. A. Ramachandra Ayyar, mover and the Government Advocate.

Mr. Thomas Manjuran —The Diwan Peishkar and the Director of Public Instruction may also be included.

Mr. K. T. Mathew.—Sir, I have no objection.

Mr. T. K. Nayar.—I beg to second it.

Motion put and carried.

President.—The Diwan Peishkar will be the Chairman and the Committee should report within a month.

Debt conciliation Bill etc.,

Mr. K. T. Mathew.—I request the Chair to permit me to introduce these three Bills, *viz*, (1) The Cochin Debt Conciliation Bill, (2) The Cochin Agriculturists' Relief Bill and (3) The Cochin Registration of Sales Bill, tomorrow.

President.—Yes.

Resolutions:—Privilege leave after the date of Superannuation.—(*cont*)

Rama Varmha Tampuran.—Sir, we are on the resolution that the officers may not be given the privilege leave to which they are entitled once they have completed their 55th year. I don't see any reason why the leave to which they are entitled should be denied to them. Privilege leave is something

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that an officer earns by approved service and once he has earned it why it should be denied to him Government do not quite understand. He has retired at the end of his 55th year and the privilege leave allowance to which he has become entitled by previous service he gets at the end of the 55th year. It is only a saving provision, so to say, to allow the officer to enjoy what he has earned by hard work. It does not confer on him any further boon. It does not mean any extension of service—I mean any extension of active service. It only means that if he was not able for several reasons to avail himself of that one month's leave which every officer gets after 11 months of hard work he may be allowed that even though he has completed his 55th year. It does not touch the merits of the service or the efficiency of the service or any other allied question, and this provision was introduced after due consideration; and there is more or less a similar provision in British India as well. The rule is not therefore anything drastic or radical. There perhaps a phrase is added; if he did not get his leave." "I do not know how it makes all this difference. The provision is to the effect that even after a person has completed his 55th year an officer in the Madras Presidency can get his privilege leave. If once you concede that principle, that principle of granting an officer leave after his 55th year, what is there to object to in the Cochin Rules? The principle you urge is that an officer should not be considered to be on the Civil List immediately he completes his 55th year, and that he should not have anything to do with the Government thereafter. I say there is an exception to it in the Madras service. There the officers are allowed to continue after the 55th year provided they could not get privilege leave to which they were entitled before they completed the 55th year. This contingency may rise for several reasons. When they could not get the leave to which they were entitled they can take that leave after the 55th year. Similarly here also if an officer did not take the leave to which he was entitled before he completed his 55th year. He can take it immediately he reaches the superannuation period.

Mr. P. Kumaran Ezhuthassan.—Please read the Madras rule so that we may be enlightened.

Rama Varma Tampuran.—I have not got the Madras rules here. The Hon'ble Mover knows the rule and he had referred to this very rule this morning. I am sure the Hon'ble Mover has seen it and I am sure he will agree with me on what I have stated. There is a precedent, in British India and that is only proposed to be followed here. May be that in our rules there is not the word 'refused'. But I do not know how that will make any difference to the principle. The principle is the

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same. The Officer here may get a little more leave than in British India. Here an officer may get 4 months. In Madras he may get 4 months, but sometimes only three, sometimes two and sometimes perhaps none. Such cases will occur here also. There will be cases of officers who have fully enjoyed all the privilege leave to which they were entitled even while they were in service and such officers will not get further privilege leave after they have completed their 55th year. So there is not any great difference between the Madras and our rules. The only difference is that our rule is a little more liberal for that it follows the Madras rules. Government do not see any reason why it should be abolished now.

Mr. Joseph Pettah.—On a point of information, Sir, may I ask the Government in case an officer is on such leave, as is referred to in this resolution and in case a vacancy occurs at that time in a higher office, will this officer be considered to have a claim to that office?

Mr. P. V. Subramania Ayyar.—It has already been said by the Secretary to the Diwan that he will not be considered to be in active service. When he will be considered to be no more in active service, how can he bring forward a claim at all? He has no more claim. He will be considered to have severed his connection completely.

Mr. P. Kumaran Ezhuthassan.—When, may I know?

Mr. P. V. Subramania Ayyar.—By the date of his attaining the 55th year.

Mr. A. Eachara Menon.—Was not Mr. Kasturi Ranga Ayyar, the permanent Diwan Peishkar, appointed as acting Diwan while he was on leave?

Rama Varmha Tampuran.—His case does not actually fall under this 55th year rule. He was a pensioned officer and he was taken under special conditions. His case is different. So these rules need not necessarily apply to him and that need not be a precedent for the House to decide the question.

മിസ്റ്റർ ടി. കെ. നായർ—ഈ പ്രമേയത്തിനു് അടിസ്ഥാനമായിട്ടുള്ള കാരണങ്ങളെല്ലാം ഇന്നലെ ഇവിടെ അവതാരകൻ നല്ലവണ്ണം പറഞ്ഞുകഴിഞ്ഞിട്ടുണ്ടു്. അതിലേയ്ക്കു് എന്തെങ്കിലും ഒരു മാർഗ്ഗം കണ്ടുപിടിച്ചാൽ മതിയെന്നാണു് അദ്ദേഹം ആവശ്യപ്പെട്ടതു്. ഈ ഒരു രൂക്കാണ്ടുള്ള കുഴപ്പങ്ങൾ എന്തെല്ലാമാണെന്നു പിന്നെയും പിന്നെയും ആവർത്തിച്ചു പറയണമെന്നില്ല. സാധാരണയായി ഒരു വയസ്സു തികയുന്നതിനുമുമ്പു് അവധിയിൽ പ്രവേശിച്ചു് ഒരു നാലുമാസവും കൂടി അവകാശാവധിയും മിച്ചമുള്ളവനായിരിയ്ക്കുന്ന അവസരത്തിൽ നാലുമാസം മുമ്പുതന്നെ പിരിഞ്ഞുപോകാമെന്നു വിചാരിയ്ക്കുന്ന ധർമ്മബുദ്ധി ആക്ഷം ഉണ്ടായിരിയ്ക്കു

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യില്ല. ഏതൊരാൾക്കും ധനത്തിൽ ആഗ്രഹമുണ്ടായിരിയ്ക്കും. നിർബന്ധമായിട്ട് ഒരാളെ ഉദ്യോഗത്തിൽനിന്ന് ഒഴിവാക്കുവാൻ ഗവർമ്മെണ്ടിനു സാധിയ്ക്കാതെ വരികയോ ഗവർമ്മെണ്ടാവശ്യത്തിനുവേണ്ടി ആ ആളെ പിടിച്ചുനിർത്തേണ്ടിവരികയോ ചെയ്താൽ അതു എക്സെപ്ഷൻ ഓഫ് ഇൻഡ്യൻ റൂൾസ് സ്വീസ് അനുസരിച്ചുള്ളതാണെന്നു കാരണം പറയുന്നതു ശരിയല്ല. അങ്ങിനെയായാൽ മുഴുവനും അതേ രീതിയിൽ വരാനിടയാകും. അതുകൊണ്ട് ഇവിടെ ആരും 55 വയസ്സിനുമേൽ ഉദ്യോഗത്തിൽ ഇരിയ്ക്കേണ്ട ആവശ്യമില്ല. ബ്രിട്ടീഷിലെ കാര്യങ്ങൾ ഇങ്ങോട്ടു കൊണ്ടുവന്നിട്ടും കാര്യമില്ല. എന്റെ അറിവിൽ പെട്ടിടത്തോളം ബ്രിട്ടീഷിൽ അതു് എക്സെപ്ഷൻ റൂൾസു ആകയില്ലെന്നാണു് തോന്നുന്നതു്. ഇവിടെ അതു് നിർബ്ബന്ധം ആണെന്നു പറഞ്ഞാൽ ഗവർമ്മെണ്ടിനു് ബുദ്ധിമുട്ടുണ്ടാകും. 55 വയസ്സു് കഴിയുന്നതുവരെ ഒരാൾക്കു ഉദ്യോഗത്തിലിരിയ്ക്കേണ്ടുവെന്നാൽ പിന്നെ സ്റ്റാൻറിംഗ് ഓർഡർ പ്രകാരമുള്ള നാലുമാസത്തെ അവധിയ്ക്കുകൂടി അവകാശം ഉണ്ടെന്നു വരുമ്പോൾ അതിനെ സംബന്ധിച്ചുള്ള കുഴപ്പത്തെപ്പറ്റി പറയേണ്ടതില്ല. ഇതു് ഇവിടെയുള്ള ഉദ്യോഗസ്ഥന്റെ കാര്യമാണു് പറയുന്നതു്. റസല്യൂഷനും അതിനെ അടിസ്ഥാനപ്പെടുത്തിയുള്ളതാണു്. അതുകൊണ്ടു് ഇക്കാര്യത്തിൽ ബ്രിട്ടീഷിലേപോലെ ഇവിടെ ചെയ്യേണ്ട ആവശ്യമില്ല. 55 വയസ്സു് കഴിഞ്ഞതിനുശേഷം പിന്നീടു് ഒരു നാലുമാസം അവധികൂടി അനുവദിച്ചു കൊടുത്ത ആളെ രണ്ടാമതും ദിവാൻജിയായി വച്ചു. അതു കഴിഞ്ഞു് പോകുന്ന വഴിയ്ക്കു പോകട്ടേ എന്നു വിചാരിച്ചു കൊടുത്തതാണെന്നു സമാധാനപ്പെടാം. എന്നാൽ രണ്ടാമതും പെൻഷൻപറ്റി പിരിഞ്ഞുപോകേണ്ടതായ ആളെ വീണ്ടും ദിവാൻപേഷ്കാരായിട്ടു് നിയമിച്ചതു ശരിയല്ലെന്നും ഇങ്ങനെയുള്ള കലാപങ്ങൾ കൂടാതെ കഴിയ്ക്കണമെന്നും മാത്രമേ ഞങ്ങൾ പറയുന്നുള്ളൂ. അതിലേയ്ക്കു് എന്തെങ്കിലും ഗവർമ്മെണ്ടിനു നിയമം ചെയ്താൽ മതി.

Mr. Joseph Pettah.—In supporting this resolution I would simply say that though according to them there is not much difference between the Cochin rule and the Madras rule, there is a great deal of difference between the two. In the first place, it is because that Government do not grant the leave to which he is entitled that this privilege is given to the officer concerned. That fact should be taken into consideration. So I would request the Government to make the rule identical with the rule prevailing in British India. In such a case, I think, it would be acceptable.

Mr. P. Kumaran Ehuthassan.—Sir, the Government have stated in reply to this resolution that they have not introduced by Art. 139 (b) anything original. I can safely concede

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that originality is a very rare thing with our Government. But here there is an amount of mischievous originality displayed by the Government. The originality consists in this. When I for the purpose of elucidating the fact requested the Secretary to the Diwan to read out the Madras Rule it was stated that the rule was not there. Although I am not in possession of the particular rule concerned, I know what it is and the difference between our 139 (b) and the Madras rule is that it is a condition precedent as far as the Madras rule is concerned that in order that an officer after the date of superannuation may be entitled to privilege leave to which he is entitled, that his previous privilege leave application must have been refused by the Government naturally on exigences of service. Privilege leave, as the word suggests, is leave to which an officer is entitled and it is only the exigencies of service that such a leave would have been refused to him. It is only to cover such specific cases that the Madras rule exists. But what do we find here in 139 (b)? That amendment to the C. S. R. is to the effect that even after the date of superannuation an officer is entitled to claim privilege leave although he had not applied for the same previously and refused by the Government. There is no such saving clause in our amended article.

I am surprised to find the Hon'ble Finance Member said that such an officer will be considered to have retired on the date of his superannuation. What we find in the last sentence of Art. 139 (b) is that the retirement will take effect from the date of expiry of such leave. It makes all the difference and the mischief that such a thing has worked in the State has already been pointed out by me and the mischief it may hereinafter bring about can easily be imagined. Every officer will hereafter see that he asks for his full four months' privilege leave from the date of his superannuation. He must have applied for the leave and in the exigencies of service that leave must have been refused to him. Unless that is insisted upon and embodied as a clause to this amended rule the future consequence of this rule will be that the officers will have to retire only at 55·4 instead of 55. The effect of the other rule in the C. S. R. that unless otherwise exempted any officer in the superior service has to retire on the completion of his 55th year is annulled. That rule will have to be further amended that in Cochin an officer need retire only at 55.4. That will be the effect. Will this House be for such a position? Certainly not. In answer to another question by the Hon'ble Member of Adoor whether such an officer who is on such leave will have any claim for any vacancy in the superior

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grade it has been said 'No'. What is our experience? As pointed out when I moved the resolution a certain officer of the State was put on such leave as is contemplated by Art. 139 (b) from the 18th Meenam and that leave was to expire on the 18th of Edavam. What happened in the interim? What took place on the 10th of Edavam? In these days of financial stringency we find our permanent Diwan going to England to help at a committee though according to him there was no necessity for him to be there. The permanent Diwan goes to England and the gentleman who was on such leave on that date is called back. With what result !! We have seen it in the Budget Session. The officer gets his own term as Diwan Peishkar extended and send further orders in answer to the question why it was so extended it was stated that that extension was brought about to have a lien for that officer on some permanent post for calculating the allowances to be given to that officer when he is otherwise engaged. I am referring to the incident when the erstwhile permanent Diwan Peishkar, Rao Bahadur Mr. Kasturiranga Ayyar, got his term extended by himself when he was the acting Diwan in Edavam 1108. This most unconstitutional act led to the adjournment of the business of this House on a particular day during the Budget Session of 1108 which has again led to an amendment of the Standing Orders moved in this House in this session by the Hon'ble Member for Law, *i. e.*, if such a catastrophe takes place without further notice the days of the session may be extended.

Another consequence of this article 139 (b) with reference to this officer is that from the 10th of Edavam to a particular date in Makaram 1109 he continued to be in the service of the State which entitled him to 31 days' more of privilege leave, which fortunately, it has been told in this House, has expired and there is no possibility under article 139 (b) for that gentleman to come back. That is the consequence of section 139 (b). If the saving clause intelligently put in in the Madras rule is introduced here we will welcome article 139 (b). Otherwise the clause may be deleted from our C. S. R. With these words I press this motion to a division.

Resolution put and carried.

Mr. P. Kumaran Ezhuthassan.—A poll, Sir.

The House divided—Ayes 22 and Noes 13.

Ayes.

1	Mr. K. Ayyappan	12	,, P. Kumaran Ezhuthassan
2	,, A. Eachara Menon	13	,, A. I. Mani
3	Dr. A. G. Menon	14	,, K. T. Mathew
4	Mr. K. G. Nayar	15	,, Paul Mampilli
5	,, K. M, Ibrahim	16	,, T. A. Ramachandra Avvar

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6	,, Joseph Pettah	17	,, P. Raman Menon
7	,, P. S. Kesavan Nambudiri	18	Dr. A. R. Menon
8	,, P. Krishna Menon	19	Mr. A. Sankara Menon
9	,, M. Krishna Menon	20	Dr. K. Sankara Menon
10	,, T. K. Nayar	21	Mrs. Swaris
11	,, S. S. Koder	22	Mr. K. P. Vallon.

Noes.

1	Mr. K. Achyuta Menon	7	Mr. P. Nilakanta Menon
2	,, V. K. Aravindaksha Menon	8	Rama Varmha Tampuran
3	,, M. P. Cherian	9	Dr. D. Raghavendra Rao
4	,, C. J. Mathew	10	Mr. P. V. Raphael
5	,, T. Narayana Menon	11	,, M. K. Raman
6	,, I. N. Menon	12	,, P. V. Subramania Ayyar

13 Mr. Thomas Manjuran.

Shifting of the Legislative Council Office to Trichur.

Mr. T.K. Nayar.—*This Council recommends to the Government to make immediate arrangements to shift the office of the Secretary to the Cochin Legislative Council to Trichur.*

ഈ പ്രമേയത്തിന്റെ തത്വം എന്താണന്നുള്ളതു് ഞാൻ ഇതു് അവതരിപ്പിയ്ക്കുമ്പോൾ ഉണ്ടായിട്ടുള്ള ശബ്ദംകൊണ്ടുതന്നെ എല്ലാവക്കും മനസ്സിലാക്കാവുന്നതാണു്. എന്നാൽ ഇതു് കുറച്ചുകൂടി ഭംഗിയിൽ കൊണ്ടുവരാമായിരുന്നു. സംഗതിവശാൽ, ഈ കൌൺസിൽ സിറ്റിംഗുതന്നെ തൃശ്ശിവപേരൂക്ക് മാറ്റിയാൽ കൊള്ളാമെന്നും ആവശ്യപ്പെടുമ്പോൾ അതിനു നിയമസഭന്ധമായ തടസ്ഥമുണ്ടെന്നറിഞ്ഞുകൊണ്ടാണു് ഇത്തരത്തിലാകാമെന്നു വച്ചതു്. ഇപ്പോൾ ഇതുകൊണ്ടു് എന്റെ ഉദ്ദേശം മുഴുവനും സാധിച്ചിട്ടില്ല. കൌൺസിൽ സിക്രട്ടറിയേറ്റ് തൃശ്ശിവപേരൂക്ക് കൊണ്ടുപോയാലും എറണാകുളത്തു സിറ്റിംഗു് വെയ്ക്കുവാൻ വിരോധമില്ല. ഈ റസല്യൂഷന്റെ ഉദ്ദേശം കൌൺസിൽ സിക്രട്ടറിയേറ്റു് തൃശ്ശിവപേരൂക്ക് കൊണ്ടുപോകണമെന്നാണു്. അതിനെപ്പറ്റിമാത്രമേ ഇപ്പോൾ പറയുവാൻ തരമുള്ളു. എങ്കിലും ഇതിൽനിന്നുദ്ദേശിയ്ക്കുന്ന അവസാനഫലം കൌൺസിൽ സിറ്റിംഗു് തന്നെ തൃശ്ശിവപേരൂക്ക് മാറ്റണമെന്നതാണു്.

ഇതിനു് ചിലകാരണങ്ങളുണ്ടു്. കോളേജു് ഇവിടെനിന്നു തൃശ്ശിവപേരൂക്ക് മാറ്റുവാൻ പറഞ്ഞപ്പോൾ ഇവിടെ വേണമെന്നു ഒരുപക്ഷക്കാർ പറഞ്ഞു. അതു മാത്രമായല്ല എറണാകുളത്തുനിന്നും കൌൺസിൽ കൊണ്ടുപോകണമെന്നു പറയുന്നതു്. പ്രധാനമായിട്ടുള്ള മുക്കാലെഅരക്കാൽ ആപ്പീസ്സുകളും തൃശ്ശൂരിലാണു്. എറണാകുളത്തു് ഹജൂരും പ്ലസ്സും എക്സ്സു് കമ്മീഷണരാപ്പീസ്സുമുണ്ടു്. പ്ലസ്സു് തൃശ്ശൂരിൽ ധാരാളമുണ്ടു്; ഇനി ഹജൂർ മാത്രമേ വേണ്ടു. അതുംകൂടി അങ്ങോട്ടു കൊണ്ടുപോകാൻ സാധിക്കുമെന്നുണ്ടെങ്കിൽ തരക്കേടില്ല. ഈ കൊച്ചീരാജ്യത്തിന്റെ തെക്കെ അറ്റത്തു് കൌൺസിൽ ആപ്പീസ്സിരിക്കുന്നതു

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